

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| Applicants:    | Peter Hoch   |
| Serial Number: | 08/443,518   |
| Filing Date    | 05/18/95   |
| For:           | GEAR RACK ARRANGEMENT HAVING<br>RESILIENTLY BRACED GEAR RACKS<br>AND ANTI-DETACHMENT MEANS |
| Art Unit:      | 2512   |
| Examiner:      | Kevin Watkins  |

Pre-examination Amendment

5 Hon. Assistant Commissioner for Patents

Washington, D.C. 20231

Sir:

A Continuing Application is being filed in response to decision by the Board of Patent Appeals and Interferences on 24 January 2001 affirming the final rejection of all active claims (1, 6 & 7) in the parent application. Concurrently with the filing of the continuing application, a Petition to Revive the parent application is being filed pursuant to 37 CFR 1.137(b).

15 Prior to examination of the Continuing application, please amend the application as follows:

IN THE CLAIMS:

20 Please re-instate dependent Claim 5. This claim was previously canceled, without prejudice, in applicant's amendment in the parent application mailed 11 October 1996.

Kindly amend the following claims by adding material that is underlined and deleting material enclosed in brackets.

1. (Twice Amended) Gear rack arrangement, comprising:

two mutually displaceable and resiliently braced gear racks having suspension mountings of at least one latch hook disposed on one braced gear rack and corresponding slot-shaped openings disposed in the other  
5 one of the gear racks, for providing a portion of an anti-detachment safeguard and while enabling the pair of gear racks to be mutually displaceable,

the anti-detachment safeguard including an elastic boss disposed on at least one of the gear racks in order to prevent detachment of the  
10 other gear rack when suspension mountings including latch hooks are in a position with respect to the slot-shaped openings [so that] where the latch hooks are [slideably disposed] being slid into the slot-shaped openings.

15 5. (Reinstated and Amended) Gear rack arrangement according to Claim [2] 1, [characterized in that the] wherein said elastic boss [(E), for the creation of an anti-detachment safeguard,] is [disposed] arranged opposite to suspension mountings of said latch hooks [(C, D)].

20 7. (Twice Amended) Gear rack arrangement, comprising:

two gear racks, which are mutually displaceable on latch elements and are resiliently braced,

one of the latch elements [being a counter-rest for a first means and] comprises a brace means for [the gear racks] providing a portion of 25 an anti-detachment safeguard while enabling the pair of gear racks to be mutually displaceable and [a holding means having]

a roof-shaped projection for holding and forming a counter-rest for  
a spring.

## R E M A R K S

Claims 1, 5, 6 and 7 are now active in this application. Of these, Claims 1, 5 and 7 have been amended. Claim 5 has been re-instated.

5 This claim was previously canceled, without prejudice, in applicant's amendment mailed 11 October 1996.

Claim 1, as previously presented, concluded with the recitation regarding the anti-detachment safeguard of "...so that the latch hooks are slideably disposed in the slot-shaped openings." In discussing this feature of where anti-detachment occurs, the Board of Patent Appeals and Interferences stated that "As noted above, however, claim 1 does not recited that the anti-detachment occurs at the position where they are mounted through the openings. Instead, claim 1 recited that the anti-detachment occurs when the hooks are slidably disposed in the slot-shaped openings." (decision, page 5, lines 15-19). It appears that this feature of Claim 1 has been read to a position of the slot-shaped openings outside the slot-shaped openings where they are being slid into the slot-shaped openings. (pp 4-5 of Decision) This misinterpretation of position feature has been corrected by amending Claim 1 to recite that the suspension mountings including latch hooks are in a position with respect to the slot-shaped openings "...where the latch hooks are being slid into the slot-shaped openings."

Thus amended, Claim 1 is believed to be patentably distinguished over the prior art because the recited anti-detachment safeguard avoiding a detachment in a position where the latch hooks are being slid into the slot-shaped openings according to amended Claim 1 is neither disclosed nor suggested by the cited references. Reconsideration and withdrawal of the rejection of Claim 1 is believed

to be in order and is respectfully requested. Dependent claim 5 has been amended to depend from amended Claim 1 and to conform to US claim style. Amended dependent Claim 5 and dependent Claim 6 are allowable at least for the same reasons as amended Claim 1 upon which they depend.

In discussing Claim 7, the Board noted at page 7 lines 1-2 of the decision that "Note that claim 7 does not even recite what the holding means is required to hold." This feature of the invention has been clarified by amending claim 7 to include the limitation that one of the latch elements comprises a brace means providing a portion of an anti-detachment safeguard while enabling the pair of gear racks to be mutually displaceable and a roof-shaped projection for holding and forming a counter-rest for a spring."

By contrast, the type of hold that the element 30 of Yanagisawa forms is described in column 5, lines 34-40. Said element 30 has no roof shaped projection for holding and forming a counter rest for the spring. Although element 30 forms a counter rest for the spring, it has no holding means for the spring. The spring is held by the guide shaft, which prevents the spring being disengaged from a rack with disadvantages for a replacement in a repair case.

Thus amended, Claim 7 is believed to be patentably distinguished over the prior art. Reconsideration and allowance of amended Claim 7 is believed to be in order and is respectfully requested.

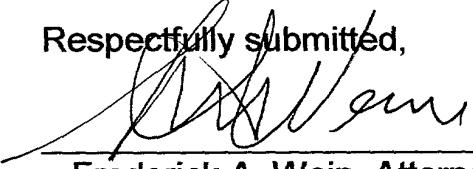
With this preliminary amendment the application contains two (2) independent claims and a total of four (4) claims. This is less than the

number of independent and total claims to which applicant is entitled for the filing fee. Accordingly, no additional fee is deemed necessary with regard to amendment of the claims in this continuing application.

5 It is respectfully requested that this Pre-Examination Amendment be entered. The continuing application, as amended, is believed to be in condition for allowance and such favorable reconsideration is respectfully requested.

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